



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/574,157 | 05/18/2000 | Cary Lee Bates | ROC920000066 | 6988 |

7590 06/03/2004
Thomason Moser & Patterson LLP
Suite 1500
3040 Post Oak Boulevard
Houston, TX 77056-6582

EXAMINER

HUYNH, BA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2173

DATE MAILED: 06/03/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/574,157

Applicant(s)

BATES ET AL.

Examiner

Ba Huynh

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-11 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-11 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BA HUYNH
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 5-11, 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,597,314 (Beezer et al).

- As for claims 5, 11, 21, 26: Beezer et al teach a computer implemented method and corresponding system operable in a client-server configuration to permit a user to retrieve web documents to be displayed on a networked client display device (figure 1; 4:25-33) customized to the user on the basis of prior user interaction with the document (see the abstract), each document contains user interaction fields, comprising the steps/means for:
 - retrieving an electronic document associated with an electronic address (4:29-33; 4:67 – 5:4; 5:45 – 6:9)
 - evaluating a user profile of navigation history to determine if there is a user interaction entry relating to the document, the entry includes a user interactive field,
 - if there is a user interaction entry, determining if the entry field exists on the document (6:46 – 7:9),
 - rendering the document on the display so that the entry field viewable on the display (7:10-24), thereby eliminating from having to reposition the page to bring the user interaction field into viewable area.

Beezer et al fail to clearly teach that each electronic document is associated with an electronic address, however suggested that the system is operable in client-server configuration for retrieving web documents (4:27-33). Thus it would have been obvious to one of skill in the art, at the time the invention was made, to implement Beezer disclosure in a client-server configuration for retrieving web documents as expressly suggested by Beezer, wherein it is inherently included that the of the Web documents are associated with electronic addresses.

- As for claims 6, 7, 22, 23, 27, 28, 29: The user interaction field is moved to a top portion of the view area (7:20-23). The user profile of navigation history includes a plurality of user interaction fields (7:2-9).
- As for claim 8: Each user interacted object is associated with a count (7:2-9, 42-49).
- As for claim 9: Frequency of selection and duration of viewing of an object are recorded (1:66 – 2:7; 7:27-52). Beezer et al fail to clearly teach the ranking a selected object based on duration of viewing as a second parameter after the frequency.

However, Official notice is take that ranking a selected object based on the duration of viewing as a second parameter after the frequency is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known ranking a selected object based on the duration of viewing as a second parameter after the frequency to the Beezer et al. Motivation is for providing an alternative for ranking whenever the frequencies of selection of the first and second objects are equal.

- As for claim 10: Scrolling is inherently included in the teaching of recording cursor movement and screen position of the selected object (7:21-24).
- As for claim 24: The user interaction entry can be a table entry, a link, a data entered interaction entry, or a scrolling entry (see descriptions of figures 4-5).
- As for claim 25: The data structure includes the time spent displaying the electronic document element on the display during prior user interaction with the electronic document (7:42-49).

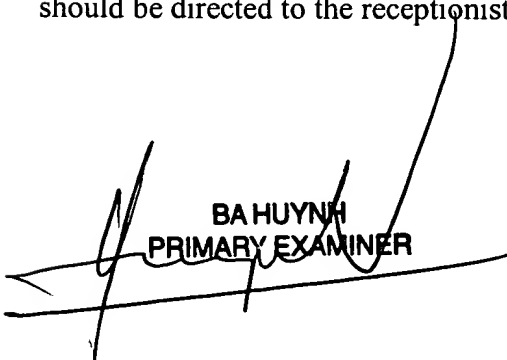
Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.


BA HUYNH
PRIMARY EXAMINER